

Panopticon Strategy in Juvenile Delinquency Regulation and Rehabilitation in Indonesia

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Abstract

This study addresses juvenile delinquency in Indonesia through a combined legal and social analysis, proposing innovative solutions for sustainable impact. Drawing inspiration from Michael Foucault's Panopticon theory, the study examines how Law Number 1 of 2023 on the Criminal Code interacts with evolving social dynamics. It advocates for a flexible legal framework that not only punishes but also emphasizes rehabilitation and social reintegration for adolescents. The research underscores the critical need for legal reforms that adapt to changing societal norms and challenges posed by information technology. It explores the influence of unrestricted digital media access on adolescent behavior, including phenomena like *klithih*, which reflects community and peer influences. The study's findings highlight the pivotal role of family, peers, and community in shaping youth behavior and calls for enhanced community-based education and supervision strategies. Consequently, the study proposes recommendations for a more humane and effective legal approach to juvenile delinquency. These include prevention strategies that empower communities in educating and monitoring young people. By advocating for a holistic and evidence-based approach, this research aims to inspire policymakers, legal practitioners,



and the public to foster a supportive environment for Indonesian youth, paving the way for a brighter future.

Keywords

Juvenile Delinquency, Social Rehabilitation, Panopticon, Legal Regulation

Introduction

In Indonesia, phenomenon of juvenile delinquency has become a significant concern for both society and the government. The adopted intervention strategies often follow the Panopticon model, a concept introduced by philosopher Jeremy Bentham, which allows constant observation of individuals without their knowledge. This approach has been applied both physically and psychologically in regulating and rehabilitating juvenile delinquency, aiming to control and modify their behavior.

In the context of library and archives (LAM) work, Ndumu criticizes the frequent separation by LAM workers between local practices and oppressive surveillance and law enforcement systems. They highlight that existing LAM structures often rest on assumptions of information authority that reflect racial stereotypes. For convenience, LAM workers may perpetuate this oppressive system. The article calls for major changes to address historical oppression, challenge existing practices, and avoid mass criminalization. LAM workers are encouraged to seek alternatives to traditional law enforcement and the criminal justice system, as well as to question conventional assessment and evaluation tools. By collaborating with communities, LAM institutions can avoid colonial panoptic practices¹.

¹ Ndumu et al, "Panopticism and Complicity: The State of Surveillance and Everyday Oppression in Libraries, Archives, and Museums". *Journal of Critical Library and Information Studies*, 4(1) (2012).

Meanwhile, Terzioğlu² examines how contact tracing apps handle personal data privacy, focusing on the differences between full democracies and imperfect ones. The results indicate that some full and flawed democracies manage to protect personal data privacy even amidst public health demands. The study is notable for comparing contact tracing systems based on democracy indices, highlighting the differences in approaches between countries like Australia and Poland regarding access to personal data. Additionally, the research contributes to the literature by comparing the contact tracing systems implemented by the Ministries of Health in the reviewed countries.

This research will integrate juridical and philosophical analysis to explore the interaction between regulation and social dynamics in the context of juvenile delinquency. Emphasis will be placed on applying the panopticon concept in community surveillance as a preventive strategy and a new approach in law enforcement against juvenile delinquency. Juridically, the study will evaluate how Law Number 1 of 2023 on the Criminal Code and other related regulations address and manage juvenile delinquency.

Juvenile delinquency is a complex and multifaceted issue, requiring a deep understanding of the various factors contributing to deviant behavior. In Indonesia, although Law Number 1 of 2023 on the Criminal Code does not explicitly specify the age limit for adolescents, general literature often refers to individuals aged 12 to 18 years as adolescents³ (Dako, 2012).

Adolescence is a significant period marked by rapid growth and development, triggering an emotional and intellectual transition from concrete to abstract thinking⁴ (Sri, 2016: 172). These changes can make teens more sensitive to events around them, which, if managed well, can

² Terzioğlu, E. "Digital Panopticon Dilemmas: A Study on Contact Tracing Apps Carried Out by the Ministry of Health". *Journal of Economy Culture and Society*, (68), 46-59 (2023).

³ Dako, Rahman Taufiqrianto. "Juvenile delinquency." *Journal of Innovation* 9, no. 02 (2012).

⁴ Sri Endah Wahyuningsih, "Legal Protection of Children as Victims of Criminal Acts of Decency in Current Positive Criminal Law," *Journal of Legal Reform* 3, No. 2 (June 1, 2016)

have a positive impact. However, without adequate emotional control skills and family guidance, teens may lapse into negative behaviors, including delinquency that harms themselves and others.

Alongside these internal changes, social environments with strong psychological bonds and solidarity can also influence adolescent behavior. Involvement in communities that frequently gather without family or community supervision can increase the risk of juvenile delinquency. Research indicates that the nature of adolescents' friendships, with varying levels of closeness, can significantly affect their level of delinquency⁵.

The role of the family and community in supervising adolescents. Families, especially parents, play an important role in supervising and educating adolescents. They should be the primary watchdogs, but when adolescents are out of reach of parental supervision, society should participate in a supervisory and educational role. In today's information technology era, juvenile delinquency can also be influenced by deviant behavior they see from adolescents in other parts of the world, which can threaten public security⁶.

Juvenile delinquency is a social phenomenon often associated to violations of criminal law. The emergence of "klithih" at the local level, where adolescents engage in deviant acts as a condition for joining certain communities, raises concerns for community safety⁷.

Based on data released by KOMNAS Perempuan, there has been a significant increase in applications for child marriage dispensation, which reached 59,709 in 2021, strongly suspected to be related to free sex life among adolescents⁸. In addition, juvenile delinquency also includes

⁵ Datu Jatmiko, "Klithih Juvenile Delinquency Leading to Social Conflict and Violence in Yogyakarta," *Humanika* 21, No. 2 (December 31, 2021): 129–50,

⁶ Putra, Rizkika Atmadha, "Sexual Violence Committed by Children as a Result of Easy and Cheap Internet Access," *Journal of Kawruh Abiyasa* 2, No. 1 (2022): 81-92.

⁷ Lega, Dianawati, and Intan Yuningsi Puspitasari Bait. "Law Enforcement of Klithih Crime which is a Crime." *Lentera Pancasila: Journal of Legal Research & Pancasila* 1, no. 1 (2022): 19-28.

⁸ Komnas Perempuan, *Women in the Crush of the Pandemic: The Surge of Cyber Violence, Child Marriage, and the Limitations of Handling Amid Covid-19, Annual Note on Violence Against Women in 2020, Annual Note on Sexual Violence Against Women*, Vol. 1, 2021.

various behaviors such as lying, fighting, stealing, and accessing pornographic content, which can metamorphose into more serious crimes⁹.

In an effort to overcome this problem, the government has passed Law Number 1 of 2023 on the Criminal Code, which is expected to bring a new legal order in dealing with juvenile delinquency. The Panopticon theory proposed by Michel Foucault¹⁰ (Ritzer, 1997) offers a philosophical perspective on the supervision of juvenile delinquency. This concept proposes a social structure that allows constant supervision of the individual by society, thus reducing the likelihood of deviant behavior.

Based on the above reflections, this study aims to identify the problem of juvenile delinquency and examine the legal construction of law enforcement in order to overcome juvenile delinquency. This research will use the concept of panopticon or supervising and reporting as a theoretical framework to evaluate and propose more effective and humane law enforcement strategies.

Method

In answering the formulation of the problem studied, the author uses a prescriptive approach in legal research. This approach focuses on creating recommendations and legal solutions that should be applied to address existing problems. This research not only studies law as existing norms, rules, and literature, but also proposes changes or additions needed to improve the applicable legal system. Prescriptive legal research is research that constructs law as an ideal system of norms, consisting of principles, norms, rules, agreements, court decisions, and doctrines that are expected to provide solutions to legal problems faced by society. This research is evaluative and normative, with the aim to produce recommendations that can be implemented in existing or future legal policies. The author conducts a literature study with various legal materials

⁹ Nursariyani Simatupang, "The Role of Society in the Prevention of Juvenile Delinquency," in National Seminar on Law, Social and Economics, Vol. 2, 2023, 32-39.

¹⁰ Ritzer, George, *Postmodern Social Theory* (New York: The Mc-Graw- Hill Companies, 1997).

and integrates interdisciplinary analysis to gain a broader perspective. This research aims to carry out an evaluative process of existing policies and propose necessary changes based on legal principles that are considered ideal and fair. These changes reflect a transition from existing legal descriptions (*lex lata*) to supposed legal recommendations (*de lege ferenda*), which are at the core of the prescriptive approach. This approach allows research to make a significant contribution to legal development and the actual resolution of legal problems.

Result and Discussion

A. Diversion as an Innovative Response to Juvenile Delinquency in Indonesia

The phenomenon of juvenile delinquency is very crucial in Indonesia because it not only harms the teenagers involved but has also escalated to the point of threatening the security of the broader community. The onset of juvenile delinquency stems from deviant actions or behaviors of adolescents and the absence of adequate social control, leading these deviant behaviors to evolve into acts of juvenile delinquency. Forms of juvenile delinquency include¹¹: attempted theft; brawls/fights between students; late for school; skipping school; Gambling; fights between students at school; consuming alcohol, drugs and others¹².

Pointing to law enforcement in disciplining juvenile delinquency, legal issues are not only the authority of one party. Not only must law enforcement be adapted to local, national and international value systems, but it is important to make it happen so that even vulnerable groups can accept law enforcement¹³. The law enforcement mechanism in Law Number 11 of 2012 on the Juvenile Criminal Justice System has involved the community in resolving children who are in conflict with the law,

¹¹ Nana Mulyana et al., *Prevention of Social Conflict and Countering Juvenile Delinquency* (Edu Publisher, 2023).

¹² Anggraini, Dini Widhya, and Netrawati Netrawati, "Relationship between Self-Control and Pornography Addiction in Children who Experience Sexual Deviations in the City of Padang," *Journal of Neo Counseling* 3, no. 2 (2021): 141-48.

¹³ Pujiyono, P., et al. *Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions*. *Lex Scientia Law Review*, 6(2), 327-358. (2022).

through external formal justice (diversion) in the form of deliberation between the perpetrator, victim, perpetrator or the victim's family. The handling of Children in Conflict with the Law (ABH) based on the criminal justice system faces several important challenges. First, the application of the law has not been fully implemented in accordance with applicable legal provisions. Second, regarding the management of ABH in the best interest of children, no consensus has been reached among official law enforcement. Third, there are limited facilities and infrastructure to deal with children who have disputes with the law during the judicial process, both before and after the court decision. Fourth, coordination between official law enforcers such as police, prosecutors, judges, advocates, BAPAS, detention centers, and prisons is still shaky due to sectoral egos¹⁴.

It is important to underline official law enforcement in solving juvenile delinquency cases that are still sectoral. This is because each law enforcement officer has their own rules and authorities in handling the case. Therefore, each law enforcement officer sometimes has a different view in solving juvenile cases¹⁵. Children become a vulnerable group if they are associated with the occurrence of criminal acts, both as perpetrators, victims and witnesses of a criminal act¹⁶. For this reason, protection is needed to the same degree as adult protection¹⁷. Taking the example of diversion regulation, the implementation of diversion in Indonesia has been recognized through the SPPA Law which was passed on July 30, 2012. The implementation of diversion is one manifestation of the implementation of restorative justice as stipulated in Article 5 of the

¹⁴ Nur Rochaeti, *Implementation of Restorative Justice and Legal Pluralism in the Indonesian Juvenile Justice System*, "Legal Issues 44, no. 2 (2015): 150-60; Sri Endah Wahyuningsih, "Legal Protection of Children as Victims of Criminal Acts of Decency in Current Positive Criminal Law," *Journal of Legal Reform* 3, No. 2 (June 1, 2016)

¹⁵ Hasanah, Rizka. *Juvenile Delinquency as a Form of Social Pathology (Community Disease)*. "Journal of Scientific Cakrawala 1, No. 3 (2021): 343-354.

¹⁶ Ismail, Z. M., & Rahman, N. S. N. A. *School violence and juvenile delinquency in Malaysia: A comparative analysis between Western perspectives and Islamic perspectives*. *Procedia-Social and Behavioral Sciences*, 69, 1512-1521. (2012).

¹⁷ Hambali, Azwad Rachmat. *Diversions for Children in Conflict with The Laws in The Criminal Justice System*" *Jurnal Ilmu Hukum* 13, no. 1 (2019): 15-30.

SPPA Law which contains a diversion mechanism in the juvenile criminal justice system. In the context of handling legal conflicts, this process provides compensation for victims, provides opportunities for perpetrators to correct the impact of their actions, feels remorse, and encourages awareness of mistakes that have been committed¹⁸.

Each law enforcement officer has their own source of law that comes from their home agency. For example, police officers have the authority to conduct investigations in criminal cases. At the investigation level, the implementation of restorative justice by the National Police of the Republic of Indonesia is regulated in the Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2019 which is based on Law Number 2 of 2002 on the National Police of the Republic of Indonesia as a reference. Then, Article 12 of the regulation further stipulates several conditions that must be met if restorative justice is to be carried out in the investigation process.

One of the government agencies that has the power to prosecute, the Attorney General of the Republic of Indonesia acts on behalf of the state. Exercising prosecution authority based on valid evidence, the public prosecutor, in making charges is expected to have a deterrent effect through the sentences imposed while still fulfilling the rights of the perpetrators¹⁹. In terms of upholding restorative justice, prosecutors can stop prosecutions to settle criminal cases out of court using a restorative justice approach. Prosecutors have the right to terminate prosecutions and establish their own guidelines, such as Prosecutor's Regulation Number 6 of 2015 on Diversion, while exercising their authority.

In addition to the law enforcement agencies previously mentioned, the Penitentiary holds the authority to guide children in conflict with the law. According to Article 56 of Law Number 22 of 2022 on Corrections, the Penitentiary is responsible for the implementation of community

¹⁸ Cahya Wulandari, Esmi Warassih Pujirahayu, Edward Omar Sharif Hiariej, Muhamad Sayuti Hassan, and Juan Anthonio Kambuno. "Penal Mediation: Criminal Case Settlement Process Based on the Local Customary Wisdom of Dayak Ngaju." *Lex Scientia Law Review* 6, no. 1 (2022): 69-92.

¹⁹ Andri Kristanto, "Review of Attorney General Regulation Number 15 of 2020 on Termination of Prosecution Based on Restorative Justice," *Lex Renaissance* 7, No. 1 (2022): 180-93.

development of these children, which includes assistance, guidance, and supervision. The Correctional Center (Bapas) serves as the institution or place that performs the function of Community Guidance for clients in conflict with the law. The role of Bapas in cases involving criminal acts committed by children starts from the level of accompaniment at the level of trial to execution but does not extend to the appeal or cassation stages. In assisting children who are in conflict with the law, Bapas initiates guidance or basic duties after being contacted and receiving research requests from the Police, Prosecutor's Office, Courts, Prisons, or other agencies. Upon receiving these requests, the Head of Bapas appoints a Community Coach in charge of conducting community research on these requests²⁰. However, the Penitentiary is a factor that is considered unimportant in court hearings, so in deciding the indictment, the Public Prosecutor does not pay much attention to the role of the Penitentiary²¹.

Children who commit crimes punishable by up to seven years of imprisonment and who have no history of repeat offenses must undergo diversion. The concept of diversion, as an embodiment of Restorative Justice, emphasizes restoring the situation to its original state rather than seeking retaliation against the parties involved in criminal cases²². In accordance with Article 6 of Law Number 11 of 2012 on the Juvenile Criminal Justice System, diversion for children in conflict with the law has several main objectives. These goals include creating harmony between children and victims, resolving child custody disputes outside the formal legal system, ensuring that children do not lose their freedom, encouraging

²⁰ Güven, Fikret, "Panopticon Surveillance, Deviation From Gender Roles And Liberation In Villette." *International Journal Of Language Academy* 10, No. 1 (2022).", *International Journal Of Language Academy* 10, No. 1 (2022). Haryanto Pandapotan Pasaribu, "The Role of Bapas in the Implementation of Diversion towards the Criminal Justice Process of Children in the Central Kalimantan Region (Case Study No. 8/Pid.Sus-Anak/2016/Pn Plk)," *Expedition*, No. 8 (2017): 1-6.

²¹ Pujiyono, P., Rochaei, N., Ompoy, G., Widyawati, A., & Zaki, N. N. B. M. (2022). *Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions*. *Lex Scientia Law Review*, 6(2), 327-358.

²² Hambali, Azwad Rachmat. "Diversion for Children in Conflict with The Laws in The Criminal Justice System" *Jurnal Ilmu Hukum* 13, no. 1 (2019): 15-30.

active participation from the community, and instilling a sense of responsibility in the child.

The purpose of implementing diversion is to offer several benefits for children, such as avoiding detention, preventing stigma or criminal labeling, provide opportunities for children to improve life skills, encouraging accountability for their actions, deterring repeat criminal acts, facilitating necessary interventions for victims and perpetrators without formal procedures, and protecting children from the influence and negative effects of the judicial system process. Ultimately, diversion aims to support the positive development of children and facilitate them into society in constructive and meaningful ways²³.

Within the framework of the Juvenile Criminal Justice System, handling juvenile delinquency cases require an integrated and comprehensive approach, combining the principles of law enforcement theory with existing practice. Consistency in the application of guidelines by law enforcement agencies and effective coordination between various legal entities are essential to ensure that any action taken is fair, effective, and in accordance with applicable legal principles. Every institution, including the police, prosecutors, and courts, must follow established guidelines without deviating from the laws on which they are based, reflecting the values of justice and the best interests of children. Good coordination among law enforcement agencies is necessary to ensure smooth and responsible legal processes.

Given that children facing the law have special needs different from those of adults, the Juvenile Criminal Justice System must adapt to these needs and provide solutions that are not only punitive but also rehabilitative and educative. The integration of law enforcement with existing practices demands an in-depth understanding of child law and psychology, as well as a commitment to applying the law in ways that support a child's positive development. Collaboration among law enforcement agencies is key to overcoming differences in perceptions arising from the implementation of diverse legal procedures. This cooperation should be grounded in solid and consistent legal principles,

²³ Hambali, Azwad Rachmat. "Diversion for Children in Conflict with The Laws in The Criminal Justice System" *Jurnal Ilmu Hukum* 13, no. 1 (2019): 15-30.

enabling each institution to work together in a harmonious spirit. The Chief of Police Regulation and the Prosecutor's Regulation must align with existing laws and must not establish standards or procedures that conflict with higher laws.

An approach that prioritizes the Criminal Procedure Code is a legitimate strategy in law enforcement, as long as it does not deviate from higher legal principles. This suggests that various methods and interpretations in law enforcement should remain under the same legal protection and should not override more fundamental laws. Interagency cooperation should include information exchange, coordination of activities, and adjustment of procedures, with the aim of creating a more efficient and effective justice system, particularly in dealing with juvenile delinquency cases. Each institution can contribute according to its role, while ensuring that their collective actions are aligned with applicable laws and the best interests of children involved in the criminal justice system²⁴.

The resolution of criminal acts by children requires a deep understanding of applicable laws and sensitivity to psychological and social conditions that affect children's behavior. An approach that is not only punitive but also preventive and educative is required to overcome the phenomenon of juvenile delinquency. Holistic law enforcement recognizes that existing regulations must function as part of an integrated system, supporting the rehabilitation and reintegration of children into society. In practice, law enforcement officials should use their authority to promote the best interests of the child, considering the long-term impact on the child's life and development. Generally accepted legal principles, such as justice, equality, and the protection of human rights, should guide any action taken against children in conflict with the law.

A cross-sectoral approach between law enforcement agencies, social agencies, education, and health is required to create a strong social safety net for children at risk. Thus, the resolution of criminal acts by children can be carried out in a more comprehensive way, resulting in sustainable solutions that benefit individuals and society as a whole.

²⁴ Muhammad Fatahillah Akbar, "Restorative Justice Reform in the Indonesian Criminal Justice System," *Legal Issues* 51, No. 2 (2022): 199–208

B. Discourse on Juvenile Delinquency Control based on the Panopticon

In Indonesia's juvenile criminal justice system, there is ongoing debate about the most effective and equitable approach to resolving cases involving children. On one hand, Law Number 11 of 2012 on the Juvenile Criminal Justice System recognizes a restorative approach as a crucial part of the criminal justice system in dealing with children in conflict with the law. This approach emphasizes rapprochement between perpetrators and victims and the social reintegration of children in conflict with the law.

However, there are weaknesses in the implementation of diversion policies that aim to divert children from formal criminal justice processes to more educational and restorative resolution processes. Criticisms of the system include a lack of consensus among law enforcement, limited facilities and infrastructure, and poor coordination among law enforcement agencies.

On the other hand, the concept of Panopticon—an idea conceived by Jeremy Bentham as an institutional building in which people can be centrally supervised—has become a powerful metaphor for surveillance and control in the criminal justice system. The application of the Panopticon concept in the juvenile criminal justice system can be argued as a way to improve supervision and prevent juvenile delinquency. However, it can also raise concerns regarding privacy and human rights, as well as the potential to create an overly controlling and oppressive environment.

The restorative approach and the Panopticon concept represent two extremes in the spectrum of child case solving: one focuses on recovery and reintegration, while the other focuses on supervision and control. Both approaches raise important questions about how best Indonesia's juvenile criminal justice system is designed to protect the best interests of children while ensuring community justice and safety.

Amidst this debate, technological developments have influenced the shift in juvenile behavior, not only in the form of regular delinquency but also crime. Identity crises and poor self-control are the main triggers for

this shift²⁵. Furthermore, juvenile delinquency has become one of the social pathologies that develop in deviant behavior due to social neglect²⁶. Furthermore, the media, parents, and society play a role in the occurrence of juvenile delinquency²⁷, and without effective control, this delinquency can develop into a serious problem.

Correspondingly, exaggerated impressions of juvenile delinquency, such as brawls and drug abuse, have become effective learning models for children, encouraging them to imitate such actions. To overcome this, the control of juvenile delinquency requires synergy between parents, society, and government. All components have the same responsibility to guide youth so that they can grow and develop into useful individuals. However, adolescent guidance and knowledge is the responsibility of parents, but when adolescents are not always accompanied by parents, society must play an active role in providing guidance and direction²⁸. In addition, the dynamics of the fast-changing digital era pose challenges in regulating adolescent behavior. Parents who are not familiar with the latest technology often feel unable to direct their children²⁹.

This issue is further exacerbated by the fact that teens often access, download, and distribute videos driven by curiosity about sexuality without adequate sex education. This indicates that technology, when not

²⁵ Unayah, Nunung, and Muslim Sabarisman. "The Phenomenon of Juvenile Delinquency and Criminality." *Sosio Informa: Study of Social Problems and Social Welfare Efforts* 1, No. 2 (2015).

²⁶ Hasanah, R., and Resdati "Juvenile delinquency as a form of social pathology (community disease)." *Journal of Scientific Cakrawala* 1, no. 3 (2021): 343-354.

²⁷ Ismail, Zainab Mahirah, and Nik Suryani Nik Abdul Rahman. "School violence and juvenile delinquency in Malaysia: A comparative analysis between Western perspectives and Islamic perspectives." *Procedia-Social and Behavioral Sciences* 69 (2012): 1512-1521.

²⁸ Unayah, Nunung, and Muslim Sabarisman. "The Phenomenon of Juvenile Delinquency and Criminality." *Sosio Informa: Study of Social Problems and Social Welfare Efforts* 1, No. 2 (2015).

²⁹ Rachmaniar, Rachmaniar, Puji Prihandini, and Preciosa Alnashava Janitra. "Smartphone Use Behavior and Pornography Access Among Teenage Girls." *Journal of Global Communication* 7, No. 1 (2018): 1-11.

used responsibly, can become a destructive tool³⁰. As a result, cases of rape by teenagers in Cipayung and the rise of *clitih* indicate moral degradation and lack of social control, which can plunge teenagers into criminal acts³¹. Even more worrying, teenage fights often occur out of envy and resentment, as well as emotional instability. KPAI data presents an increase in the number of students involved in brawls, indicating the lack of a social system to control juvenile delinquency³². Therefore, effective education and supervision are key to forming a younger generation being aware of the consequences of their actions. It is important to consider that synergy between family, society, and technology is important to lead teens to positive behavior in the digital age.

In a broader context, juvenile delinquency in Indonesia is a social phenomenon with negative connotations that are not only against the law but also violate existing social norms³³. Thus, the level of public awareness of these social events should be increased to create an environment conducive to adolescent development. The lack of conducive community environment that is less conducive contributes to the deviant behavior of adolescents. This demands the active participation of the community in providing learning and preventing violations of norms is indispensable. To maintain balance, social institutions that regulate balance and harmonization in society must be maintained to control juvenile delinquency.

Following the changing flow of the times, society and law continue to develop along with the changing times. Based on the principle of "Ubi Societas Ibi Ius" which emphasizes that the law must always follow the

³⁰ Hasanah, R., and Resdati "Juvenile delinquency as a form of social pathology (community disease)." *Journal of Scientific Cakrawala* 1, no. 3 (2021): 343-354.

³¹ Datu Jatmiko, "*Klithih Juvenile Delinquency Leading to Social Conflict and Violence in Yogyakarta*," *Humanika* 21, No. 2 (December 31, 2021): 129–50; Ahmad Riyadi. 2021. "*Parenting Patterns of Klitih Actor Teenagers in D.I. Yogyakarta*". *Journal of Social Welfare Research* 20 (1): 91-102

³² Anjari, Warih. "*Student brawls in criminological, criminal law, and educational perspectives*." *Widya Scientific Journal* (2012): 218772.

³³ Kussepti, Melan Nica, and Suryo Ediyono. "*Fenomena Kenakalan Di Kalangan Remaja Dan Perspektif Ilmu Filsafat*."

development of society³⁴, Criminalization becomes a legal adaptation to social change, determining punishable actions and appropriate criminal sanctions. In 2023, the Indonesian government passed a National Criminal Code tailored to the community. In particular, Article 331 of the National Criminal Code regulates juvenile delinquency with criminal sanctions for fines for actions that cause danger or distress in public places. However, the settlement of criminal acts by juveniles is carried out through a special law that prioritizes the juvenile criminal justice process with punishments that are educational and rehabilitative in accordance with Article 71 paragraph (1) of Law 11/2012. Article 71 paragraph (1) of Law Number 11 of 2012 stipulates that basic punishments for children include warning sentences, conditional punishments that can be in the form of coaching outside school, volunteer work in the community, or supervision, vocational training, coaching within institutions, and prisons. The purpose of this punishment is to educate and direct the child back to the right path, not simply punish.

Synergy between society and law is essential for effectively addressing juvenile delinquency in Indonesia. Community awareness and legal adaptation to social changes are key to creating a safe environment and supporting positive adolescent development. In Indonesia, the handling of cases involving children as perpetrators or victims of criminal acts is regulated with an approach that prioritizes the restoration and protection of children's rights. Law of the Republic of Indonesia No. 11 of 2012 on the Juvenile Criminal Justice System emphasizes the need to handle children's cases in a different way from adults, considering their psychological condition and developmental needs. This regulation adopts the principle of restorative justice, focusing on restoring social relations damaged by criminal acts rather than merely imposing punishment. This includes measures such as mediation between perpetrators and victims, and community involvement in the recovery process. The Indonesian Child Protection Commission (KPAI) also advocates for the improvement

³⁴ Sinaga, Niru Anita, and Dwi Atmoko. "Readiness of the Indonesian Legal System in the Transformation of Society from 4.0 to 5.0." *Krtha Bhayangkara* 17, no. 1 (2023): 119-126.

of child protection policies at the national level, including in the case of children facing the law.

Social control is an important factor in preventing adolescent deviation. Its effectiveness is determined by various factors, including the attractiveness of social groups, autonomy, and the application of norms. Adolescence, which is characterized by weak self-control, requires strong control mechanisms to prevent deviant behavior³⁵. Social control mechanisms inspired by panopticons offer great potential in preventing juvenile delinquency. By creating a surveillance effect, adolescents become more aware of their actions and more likely to follow social norms. The implementation of panopticons can involve physical and online surveillance, and empowering communities to report suspicious behavior³⁶.

In the context of panopticon, which is a surveillance concept created by Jeremy Bentham and later developed by Michel Foucault, Indonesia has applied these principles in various aspects of law and law enforcement. The use of Closed-Circuit Television (CCTV) in an electronic ticketing system (E-Tilang) is one form of application of the panopticon concept in Indonesia, acting as an electronic recording device that records events around the installation area. The concept of panopticon, introduced by Jeremy Bentham as a biopower technique, has evolved into an important tool of social control. Michel Foucault developed this concept further, describing the panopticon as a 'space conditioning' that served not only as a model of prisons but also as a mechanism of surveillance in society.

The Panopticon is designed with an architecture that allows supervisors to observe prisoners without being noticed. This creates a psychological effect where prisoners feel constantly watched, leading to self-discipline. This design, as described by Michael³⁷ and Güven, has been adopted in various social institutions, presenting an idealized picture of

³⁵ Muawanah, Lis Binti, and Herlan Pratikto. "Emotional Maturity, Self-Concept and Juvenile Delinquency." *Tabularasa Journal of Psychology* 7, No. 1 (2012).

³⁶ A Arika Wibowo et al, "The Existence of the Social Roots Community at the University of Muhammadiyah Makassar (Study of Michel Foucault's Power Relations)" 1 (2023).

³⁷ Michael Foucault, *Discipline And Punish: The Birth Of The Prison* (New York: Vintage Books, 1995).

prisons that influenced the architecture of hospitals, schools, etc³⁸. Foucault emphasized that knowledge is power and power must be sublimated to maintain control. Panopticon, as a model of spreading power, enables effective social supervision and discipline, as illustrated in juvenile delinquency supervision³⁹.

The application of panopticon in solving child cases in Indonesia can be viewed as an effort to create a supervisory effect that prevents children from committing criminal acts. The awareness that their actions can be observed and reported is expected to make children more cautious and avoid unlawful behavior. Regulations in Indonesia demonstrate the country's commitment to protecting children's rights and preventing juvenile delinquency, while ensuring safety and social order. This approach reflects the recognition that children need special guidance and protection for healthy and positive development. Effective education and supervision are key in shaping young people who are aware of the consequences of their actions. The panopticon approach, if applied wisely, can support these efforts in an ever-evolving digital age.

Panopticon as a social control offers a proactive and preventive approach in addressing juvenile delinquency. The surveillance effect created can steer adolescent behavior in a more positive direction, reducing their likelihood of engaging in adverse activities. Panopticon, if applied wisely, has a great chance of success in ensuring security and social order.

Conclusion

Juvenile delinquency in Indonesia is a complex phenomenon influenced by various factors, including social change, the influence of technology, and family dynamics. Adolescent deviant behavior is often a manifestation of identity crises and weak self-control, which is compounded by a lack of adequate sex education and parental supervision.

³⁸ Malizia, Nicola, "A study of prisoners: from Bentham's Panopticon to modern electronic surveillance. Problems and perspectives," *International Journal Of Scientific And Research Publications* 12, no. 1 (2022): 1-8.

³⁹ Ritzer, George, *Postmodern Social Theory* (New York: The Mc-Graw- Hill Companies, 1997); Azhari, Muhammad Yusya, "An Examination of Closed-Circuit Television in the Conception of Panopticon and Bewijsvoering in E-tickets," *verstek journal*, 1, 10 (2020): 76-84.

In addressing juvenile delinquency, a holistic and restorative approach is essential, involving cooperation between parents, communities, educational institutions, and government.

The Juvenile Criminal Justice System in Indonesia has adopted a restorative approach through the implementation of diversion, which prioritizes rehabilitation and reintegration of adolescents into society rather than punishment. The Juvenile Criminal Justice System Law emphasizes protecting children's rights and involving the community in resolving cases. The Panopticon concept, as a social control technique, provides a proactive and preventive way of regulating adolescent behavior, reducing the likelihood of their engagement in adverse activities.

In the digital age, the challenges of regulating adolescent behavior have become increasingly complex. Addressing these challenges requires the integration of law enforcement with current practices and a deep understanding of child law and psychology. Interagency cooperation and cross-sectoral approaches are crucial for creating a strong social safety net for at-risk children.

Overall, tackling juvenile delinquency requires an integrated and holistic approach that combines law enforcement principles with practical applications and a commitment to applying the law in ways that support a child's positive development. This approach reflects the understanding that the law must always keep up with the times and adapt to societal needs.

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